

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 185

Senator Schuler

Cosponsor: Senator Kearney

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A B I L L

To amend sections 131.18, 149.411, 3375.32, 3375.35, 1
3375.36, 3375.37, 3375.38, 3375.39, 3375.41, 2
3375.91, 3375.92, 5705.28, and 5705.37 and to 3
enact section 3375.351 of the Revised Code to 4
revise certain laws governing public libraries. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 131.18, 149.411, 3375.32, 3375.35, 6
3375.36, 3375.37, 3375.38, 3375.39, 3375.41, 3375.91, 3375.92, 7
5705.28, and 5705.37 be amended and section 3375.351 of the 8
Revised Code be enacted to read as follows: 9

Sec. 131.18. When a loss of public funds, entrusted to a 10
county or municipal corporation treasurer or to a clerk of the 11
court of common pleas, clerk of the court of appeals, clerk of the 12
municipal court, clerk of the county court, judge of the probate 13
court as clerk of such court, judge of the juvenile court as clerk 14
of such court, or to a township or school district treasurer, or a 15
~~clerk~~ fiscal officer of the board of trustees of a public library 16
by virtue of ~~his~~ the treasurer's, clerk's, judge's, or fiscal 17
officer's office, results from fire, robbery, burglary, flood, or 18
inability of a bank to refund public money lawfully in its 19

possession belonging to such public funds, the board of county 20
commissioners, board of township trustees, the legislative 21
authority of the municipal corporation, the board of education, or 22
the board of library trustees, respectively, may release and 23
discharge such treasurer, clerk, ~~or~~ judge, or fiscal officer from 24
all personal liability to or demands of such county, township, 25
municipal corporation, school district, or public library, for the 26
loss so created unless the loss resulted from ~~his~~ the treasurer's, 27
clerk's, judge's, or fiscal officer's negligence or other wrongful 28
act. 29

Sec. 149.411. There is hereby created in each county free 30
public library, municipal free public library, township free 31
public library, school district free public library as described 32
in section 3375.15 of the Revised Code, county library district, 33
and regional library district a library records commission 34
composed of the members and the ~~clerk~~ fiscal officer of the board 35
of library trustees of the appropriate public library or library 36
district. The commission shall meet at least once every twelve 37
months. 38

The functions of the commission shall be to review 39
applications for one-time disposal of obsolete records and 40
schedules of records retention and disposition submitted by any 41
employee of the library. The commission may dispose of records 42
pursuant to the procedure outlined in this section. The commission 43
at any time may review any schedule it has previously approved and 44
for good cause shown may revise that schedule. 45

When the appropriate library records commission has approved 46
any library application for one-time disposal of obsolete records 47
or any schedule of records retention and disposition, the 48
commission shall send that application or schedule to the Ohio 49
historical society for its review. The Ohio historical society 50

shall review the application or schedule within a period of not 51
more than sixty days after its receipt of it. Upon completion of 52
its review, the Ohio historical society shall forward the 53
application for one-time disposal of obsolete records or the 54
schedule of records retention and disposition to the auditor of 55
state for the auditor's approval or disapproval. The auditor shall 56
approve or disapprove the application or schedule within a period 57
of not more than sixty days after receipt of it. Before public 58
records are to be disposed of, the commission shall inform the 59
Ohio historical society of the disposal through the submission of 60
a certificate of records disposal and shall give the society the 61
opportunity for a period of fifteen business days to select for 62
its custody those public records that it considers to be of 63
continuing historical value. The Ohio historical society may not 64
review or select for its custody any records pursuant to section 65
149.432 of the Revised Code. 66

Sec. 3375.32. Each board of library trustees appointed 67
pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22 68
and 3375.30, of the Revised Code shall meet in January of each 69
year and organize by selecting from its membership a president, a 70
vice-president, and a secretary who shall serve for a term of one 71
year. At the same meeting each board shall elect and fix the 72
compensation of a ~~clerk~~ fiscal officer, who may be a member of the 73
board, and who shall serve for a term of one year. The ~~clerk~~ 74
fiscal officer, before entering upon ~~his~~ official duties, shall 75
execute a bond in an amount and with surety to be approved by the 76
board, payable to the board, and conditioned for the faithful 77
performance of the official duties required of ~~him~~ the fiscal 78
officer. 79

Sec. 3375.35. Each board of library trustees appointed 80
pursuant to sections 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 81

and 3375.30 of the Revised Code shall, in the exercise of the powers conferred upon it, be governed by this section. For the purpose of transacting any business a quorum is a majority of the full membership of the board. The purchase of any real property requires a two-thirds vote of the full membership of the board making such purchase. All conveyances of real property shall be executed by the president and the secretary of the board making such conveyance. ~~No~~ Except as provided in section 3375.351 of the Revised Code, no moneys credited to a free public library shall be paid out except on a check signed by the ~~clerk~~ fiscal officer of the board having jurisdiction over said moneys and the president, vice-president, or secretary of said board. Each board of library trustees shall, at the end of each fiscal year, transmit on forms provided by the state library board to the state librarian and officer or board which appointed said board of library trustees a report of the activities of said board of library trustees during said year. Such report shall include a complete financial statement showing the receipts and expenditures in detail of all library funds for the entire fiscal year made by such board of library trustees. No member of a board of library trustees shall have any pecuniary interest in any contract entered into by such board.

Sec. 3375.351. The fiscal officer of each board of library trustees appointed under section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, or 3375.30 of the Revised Code shall pay the compensation of each employee of the library under the board's jurisdiction by direct deposit, as defined in section 131.01 of the Revised Code. Each employee shall provide to the fiscal officer a written authorization for payment by direct deposit. The authorization shall include the designation of a financial institution equipped to accept direct deposits and the number of the account into which the deposit is to be made. The

authorization shall remain in effect until withdrawn in writing by 114
the employee or until dishonored by the financial institution. 115
Each board of library trustees shall adopt policies for the direct 116
deposit in a financial institution of the compensation of an 117
employee who fails to provide to the fiscal officer a written 118
authorization for payment by direct deposit. 119

Sec. 3375.36. The ~~clerk~~ fiscal officer of the board of 120
library trustees of a free public library shall be the treasurer 121
of the library funds. All moneys received by ~~such clerk~~ the fiscal 122
officer for library purposes shall be immediately placed by ~~him~~ 123
the fiscal officer in a depository designated by the board. ~~Such~~ 124
~~clerk~~ The fiscal officer shall keep an account of the funds 125
credited to the board. ~~Such clerk~~ The fiscal officer shall render 126
a statement to the board monthly showing the revenues and receipts 127
from whatever sources derived, the disbursements and the purposes 128
for such disbursements, and the assets and liabilities of the 129
board. At the end of each fiscal year the ~~clerk~~ fiscal officer 130
shall submit to the board a complete financial statement showing 131
the receipts and expenditures in detail for the entire fiscal 132
year. The board of library trustees of a free public library may 133
appoint a deputy ~~clerk~~ fiscal officer, for a term of one year, and 134
may authorize such deputy to receive and disburse library funds. 135
Such deputy, before entering upon ~~his~~ official duties, shall 136
execute a bond in an amount and with surety to be approved by the 137
board, payable to the board, and conditioned for the faithful 138
performance of the official duties required of ~~him~~ the deputy. 139

Sec. 3375.37. Before giving the ~~clerk~~ fiscal officer of a 140
board of library trustees of a free public library a warrant for 141
funds due such board, the county auditor shall require the ~~clerk~~ 142
fiscal officer to file with ~~him~~ the auditor a statement showing 143
the amount of funds on hand, available for expenditure by the 144

board, according to the books of the ~~clerk~~ fiscal officer and the 145
books of the depository designated by the board. Such statement 146
shall indicate that the ~~clerk's~~ fiscal officer's books are in 147
exact balance with the depository accounts and shall be certified 148
to by the ~~clerk~~ fiscal officer and proper officer of the 149
depository. 150

Sec. 3375.38. All the duties required of the county auditor, 151
county treasurer, or other officer or person relating to the 152
moneys to the credit of or to be credited to a board of library 153
trustees of a free public library shall be complied with by 154
dealing with the ~~clerk~~ fiscal officer of such board. 155

Sec. 3375.39. At the expiration of the term of a ~~clerk~~ fiscal 156
officer of a board of library trustees of a free public library or 157
before such board approves the surety of any ~~clerk~~ fiscal officer, 158
such board shall require the ~~clerk~~ fiscal officer to produce all 159
money, bonds, or other securities in ~~his~~ the fiscal officer's 160
hands, which shall then be counted by the board or a committee of 161
the board, or by a representative of the auditor of state. A 162
certificate setting forth the exact amount of such money, bonds, 163
or other securities and signed by the representatives making such 164
count shall be entered upon the records of the board and shall be 165
prima-facie evidence that the amount stated in such certificate is 166
actually in the treasury at that date. 167

Sec. 3375.41. When a board of library trustees appointed 168
pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 169
or 3375.30 of the Revised Code determines to construct, demolish, 170
alter, repair, or reconstruct a library or make any improvements 171
or repairs, the cost of which will exceed twenty-five thousand 172
dollars, except in cases of urgent necessity or for the security 173
and protection of library property, it shall proceed as follows: 174

(A) The board shall advertise for a period of ~~four~~ two weeks 175
for sealed bids in some newspaper of general circulation in the 176
district, and, if there are two such newspapers, the board shall 177
advertise in both of them. If no newspaper has a general 178
circulation in the district, the board shall post the 179
advertisement in three public places in the district. The 180
advertisement shall be entered in full by the ~~clerk~~ fiscal officer 181
on the record of proceedings of the board. 182

(B) The sealed bids shall be filed with the ~~clerk~~ fiscal 183
officer by twelve noon of the last day stated in the 184
advertisement. 185

(C) The sealed bids shall be opened at the next meeting of 186
the board, shall be publicly read by the ~~clerk~~ fiscal officer, and 187
shall be entered in full on the records of the board; provided 188
that the board, by resolution, may provide for the public opening 189
and reading of the bids by the ~~clerk~~ fiscal officer, immediately 190
after the time for their filing ~~the~~ has expired, at the usual 191
place of meeting of the board, and for the tabulation of the bids 192
and a report of the tabulation to the board at its next meeting. 193

(D) Each sealed bid shall contain the name of every person 194
interested in it and shall meet the requirements of section 153.54 195
of the Revised Code. 196

(E) When both labor and materials are embraced in the work 197
bid for, the board may require that each be separately stated in 198
the sealed bid, with their price ~~of each~~, or may require that bids 199
be submitted without ~~that~~ the separation. 200

(F) None but the lowest responsible bid shall be accepted. 201
The board may reject all the bids or accept any bid for both labor 202
and material for the improvement or repair which is the lowest in 203
the aggregate. 204

(G) The contract shall be between the board and the bidders. 205

The board shall pay the contract price for the work in cash at the 206
times and in the amounts as provided by sections 153.12, 153.13, 207
and 153.14 of the Revised Code. 208

(H) When two or more bids are equal, in whole or in part, and 209
are lower than any others, either may be accepted, but in no case 210
shall the work be divided between these bidders. 211

(I) When there is reason to believe there is collusion or 212
combination among the bidders, the bids of those concerned in the 213
collusion or combination shall be rejected. 214

Sec. 3375.91. The board of trustees of each regional library 215
system may: 216

(A) Develop plans of service and operation for the regional 217
library system and submit these to the state library board, and to 218
each other granting authority if and when required by such 219
authority; 220

(B) Receive grants, payments, bequests, and gifts and have 221
exclusive control of the expenditure of all moneys held in the 222
name of the regional library system; 223

(C) Expend for library purposes, and in the exercise of the 224
powers enumerated in this section, all moneys whether received as 225
grants, payments, gifts, bequests, or otherwise, and generally do 226
all things it determines necessary for the establishment, 227
maintenance, and improvement of the regional library system under 228
its jurisdiction; 229

(D) Make and publish such bylaws and rules as may be 230
necessary for its operation and for the government of the regional 231
library system; 232

(E) Purchase or lease vehicles and other personal property 233
for the operation of the regional library system; 234

(F) Purchase, erect, lease, or lease with an option to 235

purchase, appropriate buildings or parts of buildings for use of	236
the regional library system;	237
(G) Hold title to and have the custody of all property, both	238
real and personal, of the regional library system;	239
(H) Appoint and fix the compensation of a director and	240
necessary assistants, who shall have the same employment status as	241
employees of public libraries;	242
(I) Elect and fix compensation of a clerk <u>fiscal officer</u> and	243
a deputy clerk <u>fiscal officer</u> who shall serve for a term of one	244
year;	245
(J) Enter into contracts with the governing body of any	246
participating library organized under sections 1713.28, 3375.06,	247
3375.10, 3375.12, 3375.121, 3375.15, 3375.22, and 3375.30 of the	248
Revised Code, the state library board, any granting authority, the	249
board of county commissioners of any county, the board of	250
education of any school district, the legislative authority of any	251
municipal corporation, boards of township trustees, colleges,	252
universities, or public or private agencies and corporations;	253
(K) Accept an application from any other library desiring to	254
become a participating library in accordance with the agreement	255
for the formation of the system, either as originally submitted to	256
and approved by the state library board, or as amended by and with	257
the agreement of all the participating libraries and the approval	258
of the state library board.	259
Sec. 3375.92. The clerk <u>fiscal officer</u> of the board of	260
trustees of the regional library system is the treasurer of the	261
organization's funds. Before entering upon their duties, the clerk	262
<u>fiscal officer</u> and the deputy clerk <u>fiscal officer</u> shall execute a	263
bond in an amount and with surety to be approved by the board, and	264
conditioned for the faithful performance of the official duties	265

required of them. 266

All moneys received by the ~~clerk~~ fiscal officer shall be 267
immediately placed by the ~~clerk~~ fiscal officer in a depository 268
designated by the board. The ~~clerk~~ fiscal officer shall keep an 269
account of the funds credited to the board. 270

The ~~clerk~~ fiscal officer shall render a monthly statement to 271
the board showing the revenues and receipts from whatever sources 272
derived, the disbursements and the purposes for such 273
disbursements, and the assets and liabilities of the board. At the 274
end of each fiscal year the ~~clerk~~ fiscal officer shall submit to 275
the board, to the state library board and, if requested, to any 276
granting authority, a complete financial statement showing the 277
receipts and expenditures in detail for the entire fiscal year. 278
Such financial records shall be open to public inspection at all 279
reasonable times. 280

At the expiration of the term of the ~~clerk~~ fiscal officer or 281
before the board of trustees approves the surety of any ~~clerk~~ 282
fiscal officer, the board shall require the ~~clerk~~ fiscal officer 283
to produce all moneys, bonds, or other securities in the ~~clerk's~~ 284
fiscal officer's hands, which shall then be counted by the board 285
or a committee of the board, or by a representative of the auditor 286
of state. A certificate setting forth the exact amount of such 287
money, bonds, or other securities and signed by the persons making 288
such count shall be entered upon the records of the board and 289
shall be prima-facie evidence that the amount stated in such 290
certificate is actually in the treasury at that date. 291

Sec. 5705.28. (A) Except as provided in division (B)(1) or 292
(2) of this section or in section 5705.281 of the Revised Code, 293
the taxing authority of each subdivision or other taxing unit 294
shall adopt a tax budget for the next succeeding fiscal year: 295

(1) On or before the fifteenth day of January in the case of 296

a school district;	297
(2) On or before the fifteenth day of July in the case of all other subdivisions and taxing units.	298 299
(B)(1) Before the first day of June in each year, the board of trustees of a school library district entitled to participate in any appropriation or revenue of a school district or to have a tax proposed by the board of education of a school district shall file with the board of education of the school district a tax budget for the ensuing fiscal year. On or before the fifteenth day of July in each year, the board of education of a school district to which a school library district tax budget was submitted under this division shall adopt such tax budget on behalf of the library district, but such budget shall not be part of the school district's tax budget.	300 301 302 303 304 305 306 307 308 309 310
(2)(a) The taxing authority of a taxing unit that does not levy a tax is not required to adopt a tax budget pursuant to division (A) of this section. Instead, on or before the fifteenth day of July each year, such taxing authority shall adopt an operating budget for the taxing unit for the ensuing fiscal year. The operating budget shall include an estimate of receipts from all sources, a statement of all taxing unit expenses that are anticipated to occur, and the amount required for debt charges during the fiscal year. The operating budget is not required to be filed with the county auditor or the county budget commission.	311 312 313 314 315 316 317 318 319 320
(b) Except for this section and sections 5705.36, 5705.38, 5705.40, 5705.41, 5705.43, 5705.44, and 5705.45 of the Revised Code, a taxing unit that does not levy a tax is not a taxing unit for purposes of Chapter 5705. of the Revised Code. Documents prepared in accordance with such sections are not required to be filed with the county auditor or county budget commission.	321 322 323 324 325 326
(c) The total appropriations from each fund of a taxing unit	327

that does not levy a tax shall not exceed the total estimated 328
revenue available for expenditures from the fund, and 329
appropriations shall be made from each fund only for the purposes 330
for which the fund is established. 331

(C)(1) To assist in the preparation of the tax budget, the 332
head of each department, board, commission, and district authority 333
entitled to participate in any appropriation or revenue of a 334
subdivision shall file with the taxing authority, or in the case 335
of a municipal corporation, with its chief executive officer, 336
before the forty-fifth day prior to the date on which the budget 337
must be adopted, an estimate of contemplated revenue and 338
expenditures for the ensuing fiscal year, in such form as is 339
prescribed by the taxing authority of the subdivision or by the 340
auditor of state. The taxing authority shall include in its budget 341
of expenditures the full amounts requested by district 342
authorities, not to exceed the amount authorized by law, if such 343
authorities may fix the amount of revenue they are to receive from 344
the subdivision. In a municipal corporation in which a special 345
levy for a municipal university has been authorized to be levied 346
in excess of the ten-mill limitation, or is required by the 347
charter of the municipal corporation, the taxing authority shall 348
include an amount not less than the estimated yield of such levy, 349
if such amount is requested by the board of directors of the 350
municipal university. 351

(2) A county board of mental retardation and developmental 352
disabilities may include within its estimate of contemplated 353
revenue and expenditures a reserve balance account in the 354
community mental retardation and developmental disabilities 355
residential services fund. The account shall contain money that is 356
not needed to pay for current expenses for residential services 357
and supported living but will be needed to pay for expenses for 358
such services in the future or may be needed for unanticipated 359

emergency expenses. On the request of the county board of mental 360
retardation and developmental disabilities, the board of county 361
commissioners shall include such an account in its budget of 362
expenditures and appropriate money to the account from residential 363
service moneys for the county board. 364

(D) The board of trustees of any public library desiring to 365
participate in the distribution of the county library and local 366
government support fund shall adopt appropriate rules extending 367
the benefits of the library service of such library to all the 368
inhabitants of the county on equal terms, unless such library 369
service is by law available to all such inhabitants, and shall 370
certify a copy of such rules to the taxing authority with its 371
estimate of contemplated revenue and expenditures. Where such 372
rules have been so certified or where the adoption of such rules 373
is not required, the taxing authority shall include in its budget 374
of receipts such amounts as are specified by such board as 375
contemplated revenue from the county library and local government 376
support fund, and in its budget of expenditures the full amounts 377
requested therefrom by such board. No library association, 378
incorporated or unincorporated, is entitled to participate in the 379
proceeds of the county library and local government support fund 380
~~or other public funds~~ unless such association both was organized 381
and operating prior to January 1, 1968, and participated in the 382
distribution of the proceeds of the county library and local 383
government support fund prior to December 31, 2005. 384

Sec. 5705.37. The taxing authority of any subdivision, or the 385
board of trustees of any public library, nonprofit corporation, or 386
library association maintaining a free public library that has 387
adopted and certified rules under section 5705.28 of the Revised 388
Code, that is dissatisfied with any action of the county budget 389
commission may, through its fiscal officer, appeal to the board of 390
tax appeals within thirty days after the receipt by the 391

subdivision of the official certificate or notice of the 392
commission's action. In like manner, but through its clerk, the 393
~~board of trustees of any public library, nonprofit corporation, or~~ 394
~~library association maintaining a free public library that has~~ 395
~~adopted and certified rules under section 5705.28 of the Revised~~ 396
~~Code, or~~ any park district may appeal to the board of tax appeals. 397
An appeal under this section shall be taken by the filing of a 398
notice of appeal, either in person or by certified mail, express 399
mail, or authorized delivery service as provided in section 400
5703.056 of the Revised Code, with the board and with the 401
commission. If notice of appeal is filed by certified mail, 402
express mail, or authorized delivery service, date of the United 403
States postmark placed on the sender's receipt by the postal 404
service or the date of receipt recorded by the authorized delivery 405
service shall be treated as the date of filing. Upon receipt of 406
the notice of appeal, the commission, by certified mail, shall 407
notify all persons who were parties to the proceeding before the 408
commission of the filing of the notice of appeal and shall file 409
proof of notice with the board of tax appeals. The secretary of 410
the commission shall forthwith certify to the board a transcript 411
of the full and accurate record of all proceedings before the 412
commission, together with all evidence presented in the 413
proceedings or considered by the commission, pertaining to the 414
action from which the appeal is taken. The secretary of the 415
commission also shall certify to the board any additional 416
information that the board may request. 417

The board of tax appeals, in a de novo proceeding, shall 418
forthwith consider the matter presented to the commission, and may 419
modify any action of the commission with reference to the budget, 420
the estimate of revenues and balances, the allocation of the 421
library and local government support fund, or the fixing of tax 422
rates. The finding of the board of tax appeals shall be 423
substituted for the findings of the commission, and shall be 424

certified to the tax commissioner, the county auditor, and the 425
taxing authority of the subdivision affected, or to the board of 426
public library trustees affected, as the action of the commission 427
under sections 5705.01 to 5705.47 of the Revised Code. 428

This section does not give the board of tax appeals any 429
authority to place any tax levy authorized by law within the 430
ten-mill limitation outside of that limitation, or to reduce any 431
levy below any minimum fixed by law. 432

Section 2. That existing sections 131.18, 149.411, 3375.32, 433
3375.35, 3375.36, 3375.37, 3375.38, 3375.39, 3375.41, 3375.91, 434
3375.92, 5705.28, and 5705.37 of the Revised Code are hereby 435
repealed. 436

Section 3. Section 3375.41 of the Revised Code is presented 437
in this act as a composite of the section as amended by both Am. 438
Sub. H.B. 95 and Am. Sub. S.B. 55 of the 125th General Assembly. 439
The General Assembly, applying the principle stated in division 440
(B) of section 1.52 of the Revised Code that amendments are to be 441
harmonized if reasonably capable of simultaneous operation, finds 442
that the composite is the resulting version of the section in 443
effect prior to the effective date of the section as presented in 444
this act. 445